
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MATT R. B.,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM DECISION AND
ORDER**

Case No. 2:17-cv-01023-PMW

Chief Magistrate Judge Paul M. Warner

All parties in this case have consented to Chief Magistrate Judge Paul M. Warner conducting all proceedings, including entry of final judgment, with appeal to the United States Court of Appeals for the Tenth Circuit. ¹ See 28 U.S.C. § 636(c); Fed. R. Civ. P. 73.

On October 16, 2018, plaintiff Matt R. B.’s (“Plaintiff”) counsel filed a motion to withdraw.² The court granted that motion in an order dated January 16, 2019 (the “January 16 Order”).³ The January 16 Order required Plaintiff or new counsel to “file a Notice of Appearance within twenty-one (21) days after entry of” the January 16 Order.⁴ The January 16 Order also warned that if Plaintiff failed to comply with its terms, he may be subject to sanction under Rule

¹ See docket no. 15.

² See docket no. 16.

³ See docket no. 17.

⁴ *Id.* at 1.

16(f)(1) of the Federal Rules of Civil Procedure, including, but not limited to, dismissal.⁵

Plaintiff failed to comply with the January 16 Order within twenty-one (21) days after its entry.

The court thereafter entered an order to comply with the January 16 Order (the “Order to Comply”).⁶ The Order to Comply afforded Plaintiff an additional fourteen (14) days, until February 21, 2019, to comply with the January 16 Order. That deadline has now expired, and Plaintiff has still not filed the Notice of Appearance required by the January 16 Order.

Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED this 20th day of March, 2019.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Paul M. Warner", written in black ink.

PAUL M. WARNER
Chief United States Magistrate Judge

⁵ *See id.*

⁶ *See* docket no. 18.